

Applicants : SHEN, et al.
U.S. Serial No.: 10/032,514
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REMARKS

Claims 1-3, and 33-43 are pending in this application. By this Amendment, applicants have hereinabove cancel claims 1-3 and 33-43 without prejudice to applicants' rights in a future application. Applicants have added new claims 44-55. New claims 44-55 are well-supported by the specification. Support for the critical extracts or extraction may be found inter alia on pages 22-23. Accordingly, there is no issue of new matters and applicants respectfully request the entry of this Amendment. Upon entry, claims 44-55 will be pending and under examination.

Response To The Objections

The Examiner to whom this application has been assigned has objected to the specification and abstract. In response, applicants have amended the specification and abstract as suggested by the Examiner. Accordingly, applicants believe that the amended specification and abstract fully comply with all requirements.

Rejections of Claims under 35 U.S.C § 112 and § 102(b)

In response but without conceding the correctness of the Examiner's position and to expedite the prosecution of this application, applicants have hereinabove cancelled claims 1-3, 33-43 without prejudice to applicants' rights to pursue the subject matters in a future application. Applicants maintains new claims does not raise issues of 112 and § 102(b).

New claim 44 recites a composition comprising supercritical extracts of *Flos Lonicerae* and *Fructus Forsythiae*, aqueous extract from *Flos Lonicerae* and *Fructus Forsythiae*, aqueous extract of *Radix Scutellariae*, and a suitable carrier. None

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of the references cited disclose or teach a mixture of supercritical extract mixed with aqueous extracts. Accordingly, none of the cited references anticipates applicants' claimed invention.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee other than a one-month extension of time is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

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I hereby certify that this paper is being deposited this date with the U.S. Postal Service with sufficient postage for first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Albert Wai Kit Chan 5/30/03
Albert Wai-Kit Chan Date
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